

PROB 12B  
(10/93)

*United States District Court*  
for

*Western District of Washington*

FILED  
LODGED

ENTERED  
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OCT 13 2000

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

*Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender  
(Probation Form 49, Waiver of Hearing is Attached)*

**Name of Offender:** Michael Andrew Frizzell

**Case Number:** CR94-00008D

CR94-00080D

**Name of Sentencing Judicial Officer:** The Honorable Carolyn R. Dimmick

**Date of Original Sentence:** 04/08/94

**Date of Report:** October 5, 2000

**Original Offense:** Bank Robbery, CR94-00008D, (six counts); Bank Robbery, CR94-00080D, (one count).

**Original Sentence:** CR94-00008D: 71 months imprisonment; 3 years supervised release.

CR94-00080D: 71 months imprisonment; 3 years supervised release.

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 12/02/98

**Special Conditions Imposed:**

☒ Substance Abuse

☒ Financial Disclosure

☒ Restitution: \$116,262.00

☐ Mental Health

☐ Fine

☐ Community Service

☐ Other Conditions:

PETITIONING THE COURT

☐ To extend the term of supervision

☒ To modify the conditions of supervision as follows:

The supervised releasee shall participate in the home confinement program with electronic monitoring and sobriety, with work release privileges, as directed by the probation office for a period of 90 days.

The supervised releasee shall pay the cost of electronic monitoring and sobriety as directed by the U.S. Probation officer.

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Request for Modifying the  
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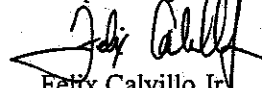
### CAUSE

On August 3, 2000, Mr. Frizzell was confronted about the results of urine samples which tested positive for alcohol. He admitted to consuming alcohol to help him sleep because his finances were keeping him up at night. In response, based on his alcoholism and the fact that prior financial burdens caused him to commit numerous bank robberies, USPO McLuen proposed a modification of conditions to include home detention with electronic monitoring. Mr. Frizzell initially agreed, then recanted, stating it would interfere with his work schedule.

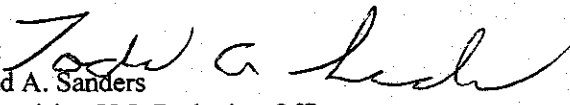
Due to caseload realignment, this officer did not address the violation behavior with Mr. Frizzell until September 21, 2000. On that date, I reviewed the monthly reports with attached pay-stubs submitted by Mr. Frizzell. I discovered he had received \$10,000 in pay bonuses this year, and had failed to indicate this amount on the monthly report. Although Mr. Frizzell continues to pay \$75.00 monthly towards restitution, he failed to apply any of these additional funds towards restitution, a past due student loan, or a civil judgment. This information, and his admission, contradict the explanation that he was consuming alcohol due to financial straits. When asked what he spent the bonus money on, he replied, "a new bedroom set".

On September 21, 2000, Mr. Frizzell signed a waiver of hearing agreeing to a modification of his conditions of supervised release, requiring him to participate in the home confinement program, with electronic monitoring and sobriety testing, for a term of 90 days.

Respectfully submitted,

  
Felix Calvillo Jr.  
U.S. Probation Officer

APPROVED:  
William S. Corn  
Chief U. S. Probation Officer

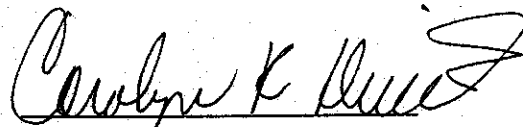
BY:   
Todd A. Sanders  
Supervising U.S. Probation Officer

fc  
10/6/00

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### THE COURT DIRECTS:

- ☐ No Action Approved
- ☐ The Extension of Supervision as noted above
- ☒ The Modification of Conditions as noted above
- ☐ Other



Signature of Judicial Officer

10/13/00

Date

PROB 49  
(5/97)

## *United States District Court*

WESTERN District of Washington

Docket Number: CR94-00008D

### **Waiver of Hearing to Modify Conditions of Supervised Release**

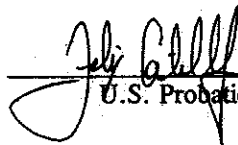
I, MICHAEL ANDREW FRIZZELL, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

That I shall participate in the home confinement program with electronic monitoring and sobriety with work release privileges as directed by the probation office for a period of 90 days.

You shall pay the cost of electronic monitoring and sobriety as directed by the U.S. Probation Officer.

Witness:

  
\_\_\_\_\_  
U.S. Probation Officer

Signed:

  
\_\_\_\_\_  
Supervised Releasee

9/21/00  
\_\_\_\_\_  
Date